

**REMARKS**

**Status of Claims**

In response to the Office Action dated June 26, 2007, claims 1-3 have been amended. Claims 1-10 are now pending in this application. No new matter has been added.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 103**

I. Claims 1 and 4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiezel et al. (U.S. 2003/0169350) in view of Sannoh et al. (U.S. 2002/0149689), for the reasons of record.

Claims 2, 3, 5, 6 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiezel et al. in view of Sannoh et al. and Nakamura (U.S. 2001/0008423), for the reasons of record.

Claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiezel et al. in view of Sannoh et al., as applied to claim 1, and further in view of Lavelle et al. (USPN 6,362,851), for the reasons of record.

Claims 9 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiezel et al. in view of Sannoh et al. and Nakamura, as applied to claims 2 and 3, and further in view of Lavelle et al., for the reasons of record.

II. The rejections are respectfully traversed.

In the Response to Arguments section of the present Office Action, the Examiner asserts that he disagrees with Applicant's assertion in the previous response that in Wiezel et al. does

not disclose obtaining the freeze image data that is temporarily stored using the solid state imaging device operating in a distinct camera operation mode. The Examiner then asserts:

...Wiesel et al. does not explicitly teach of using a solid-state imaging device, or of a distinct camera operation mode other than a template-view photography mode. However, distinct camera operation modes other than template-view photograph modes, such as an image-capturing mode are often used in cameras, as indicated by Sannoh et al., paragraphs 0035 and 0037. Sannoh et al., in paragraph 0035, teach an operation section comprising various buttons for issuing commands to a digital camera, such as release buttons, and mode selection buttons. Sannoh et al., further teach, in paragraph 0037, of the operation of a distinct image-capturing mode in which an image is captured via the full press of the shutter button. Sannoh et al. further teach that the image is captured using a solid-state imaging device (CCD, 3 figure 1).

Wiesel et al. teaches that the photo templates (i.e., freeze image data) can come from sources other than the CD supplied with the camera (paragraph 0042). Wiesel et al. teach, in paragraph 0045, that the photo templates can be "extracted by electric means from existing pictures". Wiesel et al. further teach, in paragraph 0065, that templates can be, "created by the photographer from existing photos".

Applicant does not disagree with these points, except that the photo templates are **NOT** the freeze image data that is obtained and temporarily stored by the mode switching section in response to a composition determining operation. What was added to the independent claims in the previous response specifically requires that this freeze image data that is obtained and temporarily stored be obtained using the solid state imaging device operating in a distinct camera operation mode.

As disclosed in Wiesel et al., the templates used are derived from *existing photos*. A person of ordinary skill in the art of digital photograph would fully understand that the freeze image data that is obtained using the solid state imaging device operating in a distinct camera operation mode is **NOT** an existing photo. Only after the shutter release button is fully pressed is a "photo" created by storing in, for example, installed memory 300. As disclosed at page 18,

lines 13-16 of the present application, the freeze image data representative of a composition is stored in ROM/RAM 118, not installed memory 300.

The Examiner appears to disregard the difference between what occurs in Wiezel et al. in contrast to the invention recited in the present independent claims. In Wiezel et al., a template must be first created and stored somewhere other than temporary storage of photographic apparatus 3. It is from this storage that the templates are provided to photographic apparatus 3 so that they can be used by a user of photographic apparatus 3. This is the case for templates obtained from a CD, from the Internet or that have been extracted from existing pictures by electronic means.

When the user wishes to create a photograph using a template, the user views any of the stored templates (however they have been provided to the photographic apparatus 3) in a "Template View" mode in order to view and select a template to be used. Subsequent to the selection, the user places the camera in "Guided Photo" mode, which enables the user to view both the selected template and the images seen through the view lens displayed on the view window. When the user is satisfied that the images seen through the view lens matches the template, the picture can be taken and stored.

This is clearly different from what is recited in the present claims which provides for the user to place the camera in a distinct camera operation mode (photographing memory mode) to obtain the freeze image data representative of a composition using the solid state imaging device. This freeze image data representative of a composition is temporarily stored within the camera in ROM/RAM 118 (see page 18, lines 13-16 of the present application). Furthermore, after temporarily storing the freeze image data representative of a composition and while the camera is

still in this distinct camera operation mode (photographing memory mode), the image display section displays, in a superimposing manner, the composition based on the freeze image data and a through image based on through image data representative of the object image currently formed on the solid state imaging device. Then the camera is switched to the photographing memory mode and the photo can be recorded.

Clearly, the invention recited in the independent claims enables a user, in the photographing memory mode, to form the composition that he desires should be used in taking a photo using the image data that is currently coming to the solid state imaging device. No such ability of using the image data that is currently coming to the solid state imaging device is disclosed or suggested in Wiezel et al., or any of the other applied prior art references.

Furthermore, after obtaining the composition and while the camera is in the photographing memory mode (the distinct operation mode), the composition and a through image currently formed on the solid state imaging device are superimposed on one another (see independent claims 1-3). In the camera of Wiezel et al., such superimposed display is not present until the camera is switched to "Guide Photo" mode, which is after a template is selected in "Template View" mode (see paragraph [0043]. Neither Sannoh et al., Nakamura nor Lavelle et al. discloses or suggests such superimposing capability.

Thus, the present invention uses a composition obtained by the shooting immediately before the currently intended shooting (a "frame assist" feature), which feature is different from Wiezel et al., Sannoh et al., Nakamura and Lavelle et al. It is impossible for Wiezel et al. to prepare a composition similar to that of the present invention. Therefore, Wiezel et al. cannot

provide the "frame assist" feature of the present invention (use a composition obtained by the shooting immediately before the currently intended shooting).

In view of the above, independent claims 1-3, as well as dependent claims 4-10, are patentable over Wiezel et al., Sannoh et al., Nakamura and Lavelle et al., considered alone or in combination.

The present specification clearly describes that the photographing memory mode is the distinct camera operation mode in which the freeze image data, representative of a composition and that is temporarily stored, is obtained. Therefore, independent claims 1-3 have been amended to delineate that "the freeze image data that is temporarily stored is obtained using the solid state imaging device operating in the photographing memory mode" to make explicit what is believed to be implicit.

## **CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Application No.: 10/664,162  
Reply to Office Action of June 26, 2007

Docket No.: 4243-0103PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By:  *MARC S. WEINER*  
#58387  
Marc S. Weiner  
Registration No.: 32, 181  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747